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RODAK, JR., CLERK

IN THE
Supreme Court of the United States
October Term, 1978

No. 78-10

CHARLES O. FINLEY & CO., INC.,
an Illinois Corporation,
Petitioner,

v.

BOWIE K. KUHN,
Commissioner of Baseball, *et al.,*
Respondents.

**BRIEF OF RESPONDENT AMERICAN LEAGUE
OF PROFESSIONAL BASEBALL CLUBS AND
RESPONDENT NATIONAL LEAGUE OF
PROFESSIONAL BASEBALL CLUBS IN OP-
POSITION TO PETITION FOR A WRIT OF CER-
TIORARI**

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STATEMENT OF POSITION

The American League of Professional Baseball Clubs and The National League of Professional Baseball Clubs were defendants only under the antitrust count (Count II) of the complaint. Prior to trial, the District Court dismissed this Count; and the Court of Appeals unanimously upheld this ruling of the District Court.

We agree with the position of the Commissioner of Baseball and hereby adopt rather than reiterate the statements of the Commissioner concerning the antitrust aspects of the petition for certiorari (Brief of respondent Kuhn, pp. 8-14).

For those reasons, we respectfully submit that the petition for a writ of Certiorari should be denied.

Respectfully submitted,

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